

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Lamaree (Marty) Miller,

Case No. 3:06CV7061

Plaintiff,

v.

ORDER

L&M Video Productions, Inc., *et al.*,

Defendants.

This is a pro se suit in which the plaintiff has failed to answer or otherwise respond to a counter-claim. Pending is a motion for entry of judgment of default as to the counter-claim against the plaintiff.

Plaintiff has twice been granted extensions of time in which to respond to the counter-claim. As pointed out by the motion for default, most recently plaintiff was ordered following the case management conference to respond by August 1, 2007. (Doc. 13).

The 2007 date was a typographical error, and failed to reflect accurately the date pronounced at the case management conference for plaintiff's answer or other pleading in response to the counter-claim. That date, and the date which should have been stated in the order, was August 1, 2006. The erroneous nature of the 2007 date is manifest in view of the other dates set in the case management order, which are keyed to a trial date of May 8, 2007.

The case management order shall be *sua sponte* amended *nunc pro tunc* to reflect the intended and pronounced deadline of August 1, 2006. However, to avoid any prejudice to the plaintiff, the deadline for answering or otherwise pleading to the counter-claim shall be extended *sua sponte* to August 31, 2006.

If no answer or other pleading in response to the counter-claim is received by 4:00 p.m. on August 31, 2006, the Clerk shall enter the “Entry of Judgment by Default” submitted with the motion for default.

It is, therefore,

ORDERED THAT:

1. The order of June 14, 2006, be, and the same hereby is *sua sponte* amended *nunc pro tunc* to impose a deadline of August 1, 2006, for plaintiff to answer or otherwise plead in response to the counter-claim;
2. Leave granted *sua sponte* to plaintiff to answer or otherwise plead in response to the counter-claim on or before August 31, 2006; and
3. If plaintiff has not answered or otherwise plead in response to the counter-claim by 4:00 p.m. on August 31, 2006, the Clerk shall forthwith enter the “Entry of Judgment by Default” submitted with the Motion for Entry of Default Judgment.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge